

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Before the
Illinois Commerce Commission

Docket No. 00-0468
ICC Office Use Only

Evolution Networks Midwest, Inc. :
: Application for certificate of :
interexchange authority to :
operate as a facilities-based carrier :
of telecommunications services :
in the State of Illinois :

ILLINOIS
COMMERCE COMMISSION
JUN 29 10 29 AM '00
CHIEF CLERK'S OFFICE

**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**

GENERAL

1. Applicant's Name (including d/b/a, if any)

FEIN # 58-2548658

Evolution Networks Midwest, Inc.
(hereafter referred to as "Evolution Midwest")

Address: 20 Perimeter Center East
Atlanta, GA 30346

2. Authority Requested: (Mark all that apply) ☒ 13-403 ☐ 13-404 ☐ 13-405

3. Request for waivers/variances: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting.

☒ Part 710 ☒ Part 735 ☒ Section 735.180 ☒ Other

A request for waiver of Part 710, Part 735, Section 735.180, and Part 250 has been enclosed for consideration with this application. Please see the service description in response to question 25 below, as well as the Request for Waiver submitted with this application.

4. In what area of the state does the Applicant propose to provide service?

Please see proposed service area map, attached as Exhibit 1. Because this map contains sensitive proprietary and competitive information, Evolution Midwest has filed a Motion for Protective Order for this information.

5. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

Please see Exhibit 2 for contact information requested above.

7. Please check type of organization?

☐ Individual ☒ Corporation
☐ Partnership Date corporation was formed: **May 25, 2000**
☐ Other (Specify) In what state? **Delaware**

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

Attached as Exhibit 3.

9. List jurisdictions in which Applicant is offering service(s).

Evolution Midwest is not presently offering service in any jurisdiction. Pursuant to 47 C.F.R. Section 63.01, it is authorized by the Federal Communications Commission to provide interstate telecommunications service, and it will be seeking authority to provide intrastate service in approximately 10 other states in the next few months.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

☐ YES (Please provide details) ☒ NO

11. Have there been any complaints against the Applicant in any other jurisdiction?

☐ YES ☒ NO

If YES, describe fully. _____

12. Will the Applicant keep its books and records in Illinois? _____ YES X NO
If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

As noted above, a Request for Waiver has been filed with application.

MANAGERIAL

13. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

Please see the corporate organization chart and resumes of key personnel, attached at Exhibit 4.

14. List officers of Applicant.

Eric F. Ensor, President and Chief Executive Officer

Bruce D. Fraser, Vice-President, Secretary and Treasurer

15. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? X YES _____ NO

If YES, list entity: **Nominal interests in Bell South Corp. and NetRail Communications**

16. How will Applicant bill for its service(s)?

The company will bill on a monthly basis, with an itemized listing of fixed recurring charges and variable data charges. The company will provide customer service 24 hours a day, seven days a week, to assist with billing questions (as well as technical or service questions), and will provide a toll free number for customer access.

17. How does Applicant propose to handle service, billing, and repair complaints?

Customer service assistance will be available 24 hours a day, 7 days a week, via a toll free customer service number. When a customer calls in with a problem, the customer service representative will indicate what steps the company will take to identify the source of the problem and solution, and the timeframe for doing so, if the problem is not capable of be resolved during the course of the call. Within that timeframe, the customer service and operations and maintenance staff will investigate the problem and respond to the customer with an indication of the solution and time needed to implement it. Should any major problem (such as loss of service) persist more than 6 hours, the President/CEO of the company is automatically notified.

In addition to customer service and operations and maintenance staff, each customer will have a primary point of contact within Evolution Midwest to handle all of the customer's needs. This resource is always available, should any problem arise.

Evolution Midwest is committed to resolving complaints fairly and promptly.

18. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? ☒ YES ☐ NO

19. What telephone number(s) would a customer use to contact your company?

The company's toll-free customer service number is 1 (800) 429-0058.

20. What are your procedures to prevent unauthorized "slamming" of customers?

Evolution Midwest will be providing service to other telecommunications carriers, rather than end-users. Because it will not have an end-user relationship, the company will not be involved in implementing customer choice concerning long distance carriers, and there will be no possibility of any involvement in unauthorized switching.

21. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

☐ YES ☐ NO (If no, please provide an explanation.)

Not applicable. Evolution Midwest is not seeking authority to operate as a local exchange carrier.

22. Will the applicant sign and return membership forms to the Universal Telephone Assistance Corporation and the Illinois Telecommunications Access Corporation? ☐ YES ☒ NO

As indicated above, Evolution Midwest will be providing connectivity and capacity on its high-speed broadband fiber network, serving other telecommunications service providers rather than traditional end-users. Thus, Evolution Midwest's carrier customers will be complying with these provisions. For this reason, Evolution Midwest has requested a waiver of the relevant provisions as inapplicable to a carriers' carrier. Please see attached Request for Waiver.

FINANCIAL

23. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Please see Exhibit 5. Evolution Midwest requests confidential treatment of this information. Please see attached Motion for Protective Order.

TECHNICAL

24. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list:

Evolution Midwest's network will be constructed of new fiber and high-capacity radio links. Fiber will be used as the core of the transportation network, while radio-based systems will act as collector networks for smaller towns in the regional networks.

The switched network will be based on Internet Protocol (IP) platforms with Asynchronous Transfer Mode (ATM) back planes and Quality of Service (QOS) management capabilities. Implementation of the network architecture will consist of three separate "layers": a transport layer, an IP layer, and a Gateway layer. The transport layer will consist of fiber and microwave. New technology NZ-DSF fiber will be used whenever possible to take advantage of new optical multiplexing and routing technologies. High Speed SONET radios will be deployed to smaller markets and will support multiple 155Mbps data streams. The IP layer will consist of hubs, Ethernet switches, routers, and supporting servers. This layer will enable Internet access and IP ancillary services. Finally, a gateway layer will allow the Evolution Networks IP network to interface with the traditional Public Switched Telephone Network.

25. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

Evolution Midwest is a new telecommunications carrier, with plans to offer its services throughout the mid-western region of the United States. As a facilities-based, wholesale network provider, Evolution Midwest will provide high-speed, high-capacity transport for integrated voice, video, data, and Internet services. The company will deliver digital broadband communications capacity and connectivity to second and third tier markets, focusing on those areas that have not yet received the benefits of broadband deployment.

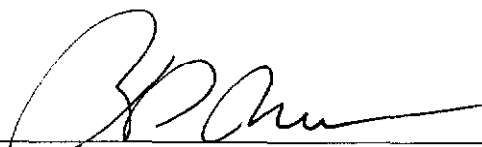
In its initial phase, the company will construct a major multi-regional carriers' carrier network. The company will provide capacity, connectivity, and transmission services to carrier customers who, in turn, will use the company's network for voice and data traffic for intrastate, interstate and international telecommunications services delivered to end-users. Evolution Midwest seeks authorization to provide intrastate toll service within the State of Illinois. Pursuant to 47 C.F.R. Section 63.01, Evolution Midwest is authorized by the Federal Communications Commission to provide interstate telecommunications service.

26. Will technical personnel be available at all times to assist customers with service problems?
☒ YES ☐ NO

27. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance,

payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls? _____ YES _____ NO

Evolution Midwest does not intend to provide payphone service.



Signature of Applicant

Bruce D. Fraser
Vice-President, Secretary and Treasurer
Evolution Networks Midwest, Inc.

VERIFICATION

This application shall be verified under oath.

OATH

State of Georgia

)

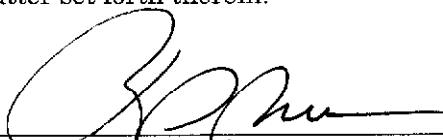
)ss

County of ~~Fulton~~

COBB

)

Bruce D. Fraser makes oath and says that he is the Vice President, Secretary and Treasurer of Evolution Networks Midwest, Inc., that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

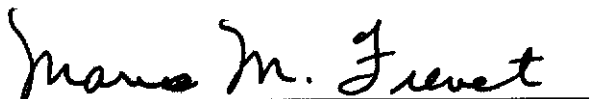


Signature of affiant

Subscribed and sworn to before me, a Notary Public/

Cobb County, Georgia
Title of person authorized to administer oaths

in the State and County above named, this 26 day of June, 2000.



Signature of person authorized to administer oath

Cobb County, Georgia
My Commission Expires March 2, 2004

EXHIBITS

- Exhibit 1:** **Service Area Map**
CONFIDENTIAL TREATMENT REQUESTED
See accompanying Motion for Protective Order
- Exhibit 2:** **Contact Information**
- Exhibit 3:** **Delaware Certificate of Incorporation and By-Laws**
Authorization to do Business in Illinois
- Exhibit 4:** **Corporate Organization Chart**
Resumes of Top Management
- Exhibit 5:** **Capitalization Chart**
Balance Sheet
Profit and Loss Statement
Audited Financial Statement
CONFIDENTIAL TREATMENT REQUESTED
See accompanying Motion for Protective Order